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Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 1639

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PATENT
Attorney Docket No. 054468-5006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Brian P. DWYER *et al.*

Application No.: 09/775,840

Confirmation No.: 2714

Filed: January 31, 2001

Group Art Unit: 1639

For: **WATER-SOLUBLE, FLUORESCENT, &
ELECTROPHORETICALLY MOBILE
PEPTIDIC SUBSTRATES FOR
ENZYMATIC REACTIONS AND
METHODS FOR THEIR USE IN HIGH-
THROUGHPUT SCREENING ASSAYS**

Examiner: My Chau T. Tran

U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Randolph Building
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner's **FINAL** rejection dated February 23, 2005 of claims 41, 44, 49-52, 54-57, 59, 62, 64-66 and 71.

1. Extension of Time

☐ A check including the cost of \$_____ to cover the extension of time fee is enclosed.

☐ The Commissioner is authorized to charge necessary fees for such extension of time to Deposit Account No. 50-0310.

2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

☒ The Appeal fee of **\$500.00** is to be charged to Deposit Account No. 50-0310.

☒ The Commissioner is authorized to charge **\$500.00** for the Notice of Appeal Fee to Deposit Account No. 50-0310.

1-WA/2441898.1

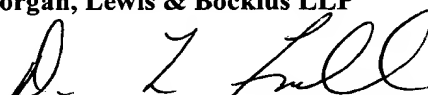
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3. Constructive Petition

- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: August 22, 2005
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


Dean L. Fanelli
Registration No. 48,907

For: 
Michael S. Tuscan
Registration No. 43,210